S.B.CIVIL WRIT PETITION NO.3731/2005

Chain Singh & Ors.
v.
State of Rajasthan & Ors.

Date of Order :: 23rd July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. G.L.Choudhary, for the petitioners.
Mr. B.L.Tiwari, Deputy Government Advocate.
Mr. D.S.Rajvi]
Mr. S.P.Sharma] for the respondents.

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Under an order dated 22.9.2004 the District Project Coordinator, Sarva Shiksha Abhiyaan, Jodhpur sanctioned for construction of three class rooms at village Hardhani, Tehsil Osian, District Jodhpur. Challenge to the same is given by this petition for writ on the count that the land on that sanction is given to construct the class rooms is a “Shamshan Bhoomi”. It is asserted by counsel for the petitioner that no such sanction could have been granted by the respondents to raise construction on a “Shamshan Bhoomi”.

In reply to the writ petition the contention of the respondents is that at the site in question a school is running since 1963 and whatever sanction granted i.e. relating to extension in the existing school building. It is also stated that the said new construction for upgrading the school is done within the boundary wall of the school.

In view of the fact that the respondents have sanctioned to construct three class rooms at the premises where a school is already running since 1963, I do not find any reason to interfere in the matter while exercising powers under Article 226 of the Constitution of India.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.